

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
OCTOBER 21, 2014

A regular meeting of the Alaska Public Offices Commission came to order at 9:05 a.m. on Tuesday, October 21, 2014. The meeting was held at the Anchorage APOC office at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binder. Asterisks * indicate that no information was included in the meeting binder.

In Attendance:

Commission: Kenneth Kirk – Chair
Vance Sanders – Vice Chair
Elizabeth J. Hickerson – Commissioner (Telephonic, PM)
Ronald King – Commissioner (Telephonic)
Irene Catalone – Commissioner

Staff: Paul Dauphinais – Executive Director
Jerry Anderson – Assistant Director
Joan Mize – Juneau Program Coordinator (Telephonic)
Heather Hebdon – Campaign Disclosure Coordinator, Candidates
Thomas Lucas – Campaign Disclosure Coordinator, Groups
July Lam – Financial Disclosure Coordinator
Delight Mells – Paralegal II
Tamara Douglas – Paralegal II
Michael Schwahn – Law Office Assistant I

Department of Law: Assistant Attorney General Office

Mary Lynn Macsalka
Bill Milks (Telephonic)

In-person Attendees:

Robert Lohr – Filer, Statement of Contributions 15-5
Laurel Andrews – Journalist, Alaska Dispatch News
Brad Snowden – Candidate, 2014 State Election

2014 Anchorage Election, Candidate and Group

Sharron Gibbons
William Evans
Scott Hansen – Treasurer, Carpenter’s Legislative Improvement Committee

14-07-CD, Peter Giessel v. Harry Crawford Jr.

Harry Crawford – Respondent

14-10-POFD, Garland Blanchard v. Cora Campbell

Cora Campbell – Respondent, Commissioner Department of Fish and Game

14-09-POFD, Elaine Chalup v. Ed Fogels

Ed Fogels – Respondent, Deputy Commissioner Department of Natural Resources (DNR)

Telephonic Attendees:

AO 14-16-CD, Byron Mallot & Walker/Mallot Campaign

Tom Amodio – Counsel, Reeves Amodio LLC

AO 14-14-CD, Renewable Resources Coalition

Scott Kendall – Counsel, Holmes Weddle & Barcott

AO 14-13-LOB, TransCanada

David Kohlenberg – Vice President, Law Corporate Development and Energy

Statement of Contribution 15-5

David Henderson – Filer

Cindy Benford – Controller, Classic Alaska Trading Company

Adrian Donos & Cindy Bychurch – Staff, Galliano Marine Services

Independent Expenditures 15-6

Christopher Rempert – Treasurer, Campaign to Regulate Marijuana like Alcohol

Complaint 14-08, 14-09, 14-10-POFD

Kenai River Sports Fishing Association (KRSA)

Ricky Geese – Executive Director

Christopher Brecht – Counsel, Bankston Gronning O’Hara

14-05-CD, Campaign to Regulate Marijuana like Alcohol v. Big Marijuana Big Mistake, Vote NO on 2

14-06-CD, Campaign to Regulate Marijuana like Alcohol v. Northwest Strategies

Campaign to Regulate Marijuana like Alcohol

Christopher Rempert – Treasurer

Big Marijuana, Big Mistake, Vote No on 2 & Northwest Strategies

Matthew Singer – Counsel, Holland & Knight LLP

Deborah Williams – Deputy Treasurer

Kristina Woolston – Group Volunteer Spokesperson & Vice President Government Affairs, Chenega Corp

Tim Woolston – Deputy Treasurer & Chief Executive Officer, Northwest Strategies

ON RECORD 9:05 a.m.

Chair Kirk called the meeting to order.

Approval of the Agenda [*]

Commissioner Sanders moved to approve the agenda as written.

Commissioner Hickerson seconded the motion.

The Commission voted 4-0 to approve the agenda as written.

Approval Meeting Minutes [1]

September 3, 2014 – meeting minutes

Commissioner Hickerson moved to approve the meeting minutes as revised.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the September 3, 2014 meeting minutes as revised.

August 13, 2014 – meeting minutes

Commissioner Hickerson moved to approve the meeting minutes as revised.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve the August 13, 2014 meeting minutes as revised.

August 7, 2014 – meeting minutes

Commissioner Hickerson moved to approve the meeting minutes as revised.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve the August 7, 2014 meeting minutes as revised

Complaint

14-05-CD, Campaign to Regulate Marijuana Like Alcohol v. Big Marijuana Big Mistake, Vote No on 2

14-06-CD, Campaign to Regulate Marijuana Like Alcohol v. Northwest Strategies

[2]

A single staff report addressing both complaints was presented by Thomas Lucas, APOC staff. Matthew Singer, Counsel, Holland & Knight LLP on behalf of Big Marijuana, Big

Mistake, Vote No on 2 and Northwest Strategies, appeared in person and gave a statement.

The Commission took the above matter under advisement.

Paul Dauphinais, APOC Executive Director introduced and welcomed Ms. Mary Lynn Macsalka counsel for APOC staff to the Commission.

Proposed New POFD Form for 2015 Paper Filers [15]

The proposed new paper 2015 POFD form was presented by July Lam, APOC staff.

Commissioner Sanders moved to approve the proposed new 2015 paper POFD form as revised.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the proposed new paper POFD form for 2015 paper filers as revised.

Approve Proposed Regulations Package [16]

The proposed regulations package was presented by Jerry Anderson, APOC staff which had been previously presented at the August meeting.

Commissioner Hickerson moved to approve the proposed regulations package.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve the proposed regulations package.

OFF RECORD: 9:43 a.m.

Break

ON RECORD: 9:57 a.m.

Advisory Opinion Request

AO 14-15-CD, Sue Hull [4]

The staff draft advisory opinion was presented by Thomas Lucas, APOC staff.

Commissioner Hickerson moved to approve the draft advisory opinion as written.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the advisory opinion request, 14-15-CD as written.

AO 14-14-CD, Renewable Resources Coalition [3]

The staff draft advisory opinion was presented by Thomas Lucas, APOC staff. Scott Kendall, Counsel, Holmes Weddle & Barcott on behalf of Renewable Resources Coalition appeared telephonically and gave a statement regarding the above advisory opinion request.

Commissioner Hickerson moved to approve the draft advisory opinion as written.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the advisory opinion request, 14-14-CD as written.

AO 14-17-CD, Putting Alaskans First [5]

The staff draft advisory opinion was presented by Thomas Lucas, APOC staff.

Commissioner Sanders moved to approve the draft advisory opinion as written.

Commissioner Hickerson seconded the motion.

The Commission voted 4-0 to approve the advisory opinion request, 14-17-CD as written.

AO 14-13-LOB, TransCanada [6]

The staff draft advisory opinion was presented by Joan Mize, APOC staff. David Kohlenberg, Vice President, Law Corporate Development and Energy on behalf of TransCanada appeared telephonically to give a statement regarding the above advisory opinion request.

Commission Catalone arrived at the meeting at 10:17 a.m.

Commissioner Hickerson moved to approve the draft advisory opinion as written.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve the advisory opinion request, 14-13-LOB as written.

Executive Director Report [17]

The Executive Director Report was presented by Paul Dauphinais, APOC staff.

Complaint

14-07-CD, Peter Geissel v. Harry Crawford [7]

The consent agreement was presented by Heather Hebdon, APOC staff. Harry Crawford Jr., Respondent appeared in person, gave a statement and answered questions of the Commission.

Commissioner Sanders moved to approve the Consent Agreement as written.

Commissioner Hickerson seconded the motion.

The Commission voted 5-0 to approve the Consent Agreement as written.

OFF RECORD: 10:46 a.m.

Break

ONRECORD: 10:54 a.m.

Advisory Opinion Request

AO 14-16-CD, Walker/Mallot Campaign [8]

The draft advisory opinion was presented by Heather Hebdon, APOC staff. Tom Amodio Counsel, Reeves Amodio LLC on behalf of Byron Mallot & Walker/Mallot Campaign appeared telephonically, gave a statement regarding the above advisory opinion request.

Commissioner Sanders moved to approve the draft advisory opinion as written.

Commissioner King seconded the motion.

The Commission voted 5-0 to approve the advisory opinion request, 14-16-CD as written.

Consent Agenda, POFD Civil Penalty Appeals & Referrals to Attorney General Office [9]

The staff recommendations regarding the consent agenda were presented by July Lam, APOC staff.

The Commission removed the following from the consent agenda:

#1, #2 and #4.

The Commission approved the remaining items on the consent agenda:

#3 Amy Erickson, Executive Director, Department of Motor Vehicle

Commissioner Sanders moved to approve the staff recommendation for the remaining items on the consent agenda.

Commissioner King seconded the motion.

The Commission voted 5-0 to approve the remaining items on the consent agenda.

The following items were removed from the consent agenda for the Commission to consider separately:

Joyce Skaflestad	2013 Public Official Financial Disclosure
LATE REPORT:	Annual Public Official Statement
MAXIMUM CIVIL PENALTY:	\$4,280 as filed 482 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 98% to \$96

	2014 Public Official Financial Disclosure
LATE REPORT:	Annual Public Official Statement
MAXIMUM CIVIL PENALTY:	\$1,150 as filed 115 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 95% to \$57

Joyce Skaflestad, Commissioner, Alaska State Commission for Human Rights appeared telephonically and gave a statement.

Commissioner Hickerson moved to waive the 2013 and 2014 assessed civil penalty.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to waive the 2013 and 2014 assessed civil penalty.

OFF RECORD: 11:08 a.m.

Break

ON RECORD: 11:15 a.m.

Clarence Alexander	2014 Public Official Financial Disclosure
LATE REPORT:	Annual Public Official Statement
MAXIMUM CIVIL PENALTY:	\$630 as filed 63 days late @\$10 a day
STAFF RECOMMENDATION:	Uphold

During the discussion the Commission agreed to accept the late appeal, admit it to the record, and to hold the matter for further discussion until the November 19, 2014 Commission meeting. Additionally the Commission asked staff to produce a readable copy of one of the supporting documents included with the late appeal.

Commissioner Sanders moved to accept the late appeal to the record and to consider the staff recommendations at the November 19, 2014 Commission meeting. Commissioner Hickerson seconded the motion. The Commission voted 5-0 to consider the staff recommendation at the November 19, 2014 Commission meeting.

Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General Office [10]

The staff recommendations regarding the consent agenda were presented by Delight Mells, APOC staff.

The Commission removed the following items from the consent agenda:
#3, #4 and #5.

The Commission approved the remaining items on the consent agenda:
#1 Kevin Bergman – 2014 State Primary Election
#2 William Evans – 2014 Anchorage Municipal Election

Commissioner Sanders moved to approve the staff recommendations for the remaining items on the consent agenda. Commissioner King seconded the motion. The Commission voted 5-0 to approve the remaining items on the consent agenda.

The following items were removed from the consent agenda for the Commission to consider separately.

Sharron Gibbons	2014 Anchorage Municipal Election
LATE REPORT:	24HR Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$35,500 as filed 71 days late @\$500 a day
STAFF RECOMMENDATION:	Reduced by 99% to \$355

Ms. Sharron Gibbons, Candidate, Anchorage Municipal Election appeared in person and gave a statement.

The Commission took the above matter under advisement.

#2 Carpenters Legislative Improvement Committee Part A
#3 Carpenters Legislative Improvement Committee Part B

**Commissioner Sanders moved to approve the staff recommendations for the remaining items on the consent agenda.
Commissioner King seconded the motion.
The Commission voted 5-0 to approve the remaining items on the consent agenda.**

The following items were removed from the consent agenda for the Commission to consider separately:

Campaign to Regulate Marijuana like Alcohol	2014 State Election
LATE REPORT:	Independent Expenditure 15-6 Report
MAXIMUM CIVIL PENALTY:	\$3,300 as filed 66 days late @\$50 a day
STAFF RECOMMENDATION:	Reduced by 50% to \$1,250

Chris Rempert, Treasurer, Campaign to Regulate Marijuana like Alcohol, appeared telephonically and gave a statement.

**Commissioner Sanders moved to approve the staff recommendation.
Commissioner King seconded the motion.
The Commission voted 5-0 to approve the staff recommendation.**

Classic Alaska Trading Company	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$1,650 as filed 33 days late @\$50 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$165

Cindy Benford, Controller for Classic Alaska Trading Company, appeared telephonically and gave a statement.

**Commissioner Sanders moved to approve the staff recommendation.
Commissioner Catalone seconded the motion.
The Commission voted 5-0 to approve the staff recommendation**

Galliano Marine Services	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$1,550 as filed 31 days late @\$50 a day.
STAFF RECOMMENDATION:	Reduced by 50% to \$775

Adrian Donos and Cindy Bychurch, staffer, Galliano Marine Services, appeared telephonically and gave a statement.

**Commissioner Sanders moved to approve the staff recommendation.
Commissioner Catalone seconded the motion.
The motion to approve the staff recommendation failed by Commission vote of 2-3.**

**Commissioner King moved to take the above matter under advisement.
Commissioner Hickerson seconded the motion.
The Commission voted 3-2 to approve to take the above matter under advisement.**

David Henderson	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$1,200 as filed 24 days late @\$50 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$120

David Henderson, Filer appeared telephonically and gave a statement.
The Commission took the above matter under advisement.

Lindsay Hobson	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$900 as filed 18 days late @\$50 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$90

The Commission took the above matter under advisement.

Charles Treinen	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$800 as filed 16 days late @50 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$80

**Commissioner Hickerson moved to approve the staff recommendation.
Commissioner Sanders seconded the motion.
The Commission voted 5-0 to approve the staff recommendation.**

Residential Mortgage LLC	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$750 as filed 15 days late @50 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$75

**Commissioner Sanders moved to approve the staff recommendation.
Commissioner Catalone seconded the motion.
The Commission voted 5-0 to approve the staff recommendation.**

Robert Gottstein	2014 State Election
LATE REPORT:	Statement of Contribution 15-5 Report
MAXIMUM CIVIL PENALTY:	\$8,850 as filed 177 late @\$50 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$885

**Commissioner Sanders moved to approve the staff recommendation.
Commissioner Catalone seconded the motion.
The Commission voted 5-0 to approve the staff recommendation.**

Robert Lohr

LATE REPORT:
MAXIMUM CIVIL PENALTY:
STAFF RECOMMENDATION:

2014 State Election

Statement of Contribution 15-5 Report
\$200 as filed 4 days late @\$50 a day
Reduced by 50% to \$100

Robert Lohr, Filer appeared in person and gave a statement.

The Commission took the above matter under advisement.

Jan Carolyn Hardy

LATE REPORT:
MAXIMUM CIVIL PENALTY:
STAFF RECOMMENDATION:

2014 State Election

Statement of Contribution 15-5 Report
\$1,650 as filed 33 days late @\$50 a day
Reduced by 90% to \$165

Jan Carolyn Hardy, Filer appeared telephonically and gave a statement.

Chair Kirk recused himself from participating in the above matter due to a personal conflict.

Commissioner Catalone moved to approve the staff recommendation.

Commissioner Hickerson seconded the motion.

The Commission voted 4-0 to approve the staff recommendation.

COMPLAINT

14-09-POFD, Elaine Chalup v. Ed Fogels, 14-09-POFD [13]

The staff report was presented by July Lam, APOC staff.

The following individuals appeared in person or telephonically and gave statements and answered questions by the Commission.

Ed Fogels – Respondent, Deputy Commissioner for Department of Natural Resources (DNR)

Christopher Brecht – Counsel, Bankston Gronning O’Hara

Ricky Geese – Executive Director, Kenai River Sports Fishing Association (KRSA)

The Commission took the above matter under advisement.

14-10-POFD, Garland Blanchard v. Cora Campbell, [14]

The staff report was presented by July Lam, APOC staff.

The following individuals appeared in person or telephonically gave statements and answered questions by the Commission.

Cora Campbell – Responded, Commissioner for Department of Fish and Game

Christopher Brecht – Counsel, Bankston Gronning O’Hara

Ricky Geese – Executive Director, Kenai River Sports Fishing Association (KRSA)

The Commission took the above matter under advisement.

Benjamin Clare v. Lt. Mead Treadwell [12]

The staff report was presented by July Lam, APOC staff. Christopher Brecht, Counsel, Bankston Gronning O'Hara & Ricky Geese, Executive Director, Kenai River Sports Fishing Association (KRSA) gave statements and answered questions of the Commission.

The Commission took the above matter under advisement.

GO INTO EXECUTIVE SESSION

Chair Kirk said he would entertained a motion for the Commission to go into executive session to consult with counsel and to deliberate on pending matters. The Commission did so by acclamation.

The Commission did not return to open session after executive session and deliberation.

OFF RECORD 3:47 p.m.

Adjourn